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EXAMINER

WHIPPLE, BRIAN P

ART UNIT

PAPER NUMBER

2152

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05/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/726,786	Applicant(s) JALADANKI ET AL.	
	Examiner Brian P. Whipple	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-31 are pending in this application and presented for examination.

Claim Rejections - 35 USC § 102

2. Claims 1-4, 6, 8, 10-11, 14-15, 18, 22-24, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Aoki, U.S. Patent No. 7,194,484 B2.

3. As to claim 1, Aoki discloses a method for managing failure messages for email messages, the method comprising:

determining a plurality of rules that classify failure messages in a plurality of failure types (Col. 4, ln. 44-57);

sending an email message to an email address associated with an Internet service provider (ISP) (Col. 4, ln. 34-38; an email address is associated with an Internet service provider, in that the email address must be provided service by an Internet service provider in order to receive email messages from the Internet);

determining a failure message for the email message (Col. 4, ln. 44-57);

determining a rule in the plurality of rules that applies to the failure message (Col. 4, ln. 44-57); and

determining, for the failure message, a failure type in the plurality of failure types based on the determined rule (Col. 4, ln. 44-57).

4. As to claim 2, Aoki discloses performing an action based on the failure type (Col. 5, ln. 5-10 and 15-22).

5. As to claims 3, 8, 14, and 23, the claims are rejected for reasons similar to claims 1 and 2 above.

6. As to claim 4, Aoki discloses the action comprises marking the email address as invalid (Col. 7, ln. 17-20).

7. As to claim 6, Aoki discloses the action comprises storing information for the email address based on the failure type determined (Col. 5, ln. 5-10).

8. As to claim 10, Aoki discloses the failure message comprises a failure message that is determined after delivery of the email message (Col. 5, ln. 5-10 and 15-22).

9. As to claim 11, Aoki discloses the failure message comprises a failure message sent by the ISP (Col. 4, ln. 22-25 and 26-28).

10. As to claim 15, Aoki discloses determining if the email address should be marked as invalid based on the invalidation rule comprises marking the email address as invalid if a failure message for the failure type has been received a certain number of times (Col. 5, ln. 5-10).

11. As to claim 18, the claim is rejected for reasons similar to claim 1 above.

12. As to claim 22, the claim is rejected for reasons similar to claim 2 above.

13. As to claim 24, the claim is rejected for reasons similar to claim 4 above.

14. As to claim 26, the claim is rejected for reasons similar to claim 6 above.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 5, 7, 12-13, 16-17, 19-21, 25, and 27-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki as applied to claims 1, 3, 18, and 23 above, in view of what was well known in the art at the time of the invention.

17. As to claim 5, Aoki discloses the invention substantially as in parent claim 3, including different actions being performed by ISP servers (Col. 6, ln. 50-56) and different invalidation rules for marking the email address as invalid (Col. 5, ln. 5-10 and 15-22), but is silent on different ISPs having different invalidation rules.

However, Official Notice (See MPEP 2144.03) is taken that, given the disclosure of multiple invalidation rules (Aoki: Col. 5, ln. 5-10 and 15-22) and the inherent presence of multiple ISPs, different ISPs will choose from among different invalidation rules, and thus have different invalidation rules. To not allow such a scenario, would limit ISPs to static invalidation rule assignments and disallow any customization based on individual ISP preferences.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Aoki in the above-mentioned manner in order to gain the above-mentioned benefits.

18. As to claims 7, 19, and 25, the claims are rejected for reasons similar to claim 5 above.

19. As to claims 12, 20, and 27, the claims are rejected for reasons similar to claims 1 and 5 above.

20. As to claims 13 and 28-29, the claims are rejected for reasons similar to claims 1 and 2 above.

21. As to claims 16 and 31, the claims are rejected for reasons similar to claim 6 above.

22. As to claims 17 and 21, the claims are rejected for reasons similar to claim 8 above.

23. As to claim 30, the claim is rejected for reasons similar to claim 15 above.

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24. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki as applied to claim 1 above, in view of McDowell et al. (McDowell), U.S. Patent No. 6,438,583 B1.

25. As to claim 10, Aoki discloses the invention substantially as in parent claim 1, but is silent on the failure message comprises a failure message email message that is determined before delivery of the email message.

However, McDowell discloses the failure message comprises a failure message email message that is determined before delivery of the email message (Fig. 1; Fig. 3; Col. 6, ln. 62-65; Col. 8, ln. 37-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Aoki by determining a failure message prior to delivery of an email message as taught by McDowell in order to prevent further processing if a request is not valid (McDowell: Fig. 1; Col. 6, ln. 62-65).

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian P. Whipple whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (9:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Brian P. Whipple
/B. P. W./
Examiner, Art Unit 2152

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5/4/08

/Bunjob Jaroenchonwanit/

Supervisory Patent Examiner, Art Unit 2152